

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 Omar Bermudez,

12 Plaintiff,

13 v.

14 SN Servicing Corporation, et al.,

15 Defendants.  
16

No. 2:23-cv-00989-KJM-JD

ORDER

17 On June 8, 2023, plaintiff Omar Bermudez filed an ex parte application for an order  
18 advancing the hearing on plaintiff's motion to remand to June 12, 2023, or the soonest date  
19 possible. Mot., ECF No. 7-2. Defendants have opposed. Opp'n, ECF No. 8.

20 Prior to removal to federal court, plaintiff had filed a motion to consolidate this civil  
21 action with the Unlawful Detainer action pending against him in state court, or to stay eviction  
22 pending resolution of the civil action. Mot. at 1. Plaintiff argues he will face eviction  
23 proceedings before the currently calendared hearing date on his motion to remand and will suffer  
24 irreparable injury if his motion for consolidation is not heard promptly. *Id.* at 2. Thus, he  
25 requests the court expedite the hearing on his motion to remand so he has an opportunity to  
26 consolidate this action with the Unlawful Detainer action. *Id.*

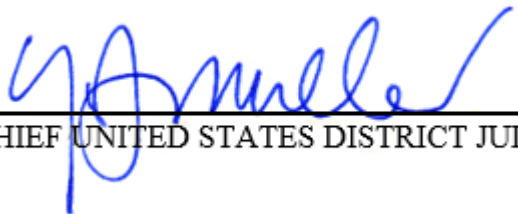
27 In his application, *see id.*, and the accompanying declaration by his counsel, Adair Decl.,  
28 ECF No. 7-1, plaintiff does not explain why or how he will face irreparable injury if the state

1 court does not hear his motion for consolidation. He does not provide any details regarding when  
2 the eviction proceedings will be held and when the state court is set to hear his motion for  
3 consolidation. Moreover, in his application, plaintiff has not shown he is likely to succeed on the  
4 merits of the motion to remand or that the state court would indeed consolidate the two actions.  
5 Additionally, it appears plaintiff has also moved the state court to stay eviction pending resolution  
6 of the civil action. Mot. at 1. It is unclear how this motion will impact the eviction proceeding.  
7 Thus, the court finds plaintiff has not shown good cause here. Accordingly, the ex parte  
8 application is **denied without prejudice** to refiling, in the event plaintiff is able to provide the  
9 court with a more detailed explanation regarding why an expedited hearing is necessary or  
10 warranted.

11 This resolves ECF No. 7.

12 IT IS SO ORDERED.

13 DATED: June 21, 2023.

14   
CHIEF UNITED STATES DISTRICT JUDGE